

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Louri Brylov	§	Group Art Unit:	2622
Serial No.:	09/626,063	§		
Filed:	July 26, 2000	§	Examiner:	Chan S. Park
For:	Scan System and Method for Scanning Images to a Remote Location	§	Atty. Dkt. No.:	10001122.1 (HPC.0259US)

Mail Stop **Appeal Brief-Patents**  
Commissioner for Patents  
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**APPEAL BRIEF PURSUANT TO 37 C.F.R § 41.37**

Sir:

The final rejection of claims 49-59, 62, 64, 65, 68, and 70-82 is hereby appealed.

**I. REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249, Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

Date of Deposit: April 25, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

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Ginger Yount

## **II. RELATED APPEALS AND INTERFERENCES**

None.

## **III. STATUS OF THE CLAIMS**

Claims 49-59, 62, 64, 65, 68, and 70-82 have been finally rejected and are the subject of this appeal.

Claims 1-48, 60, 61, 63, 66, 67, and 69 have been cancelled.

## **IV. STATUS OF AMENDMENTS**

An Amendment after final was submitted on January 31, 2006. The Advisory Action dated February 21, 2006 indicated that the Amendment after final will be entered for purposes of appeal.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The following provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

Independent claim 49 recites a method of transferring an image to a destination (specification, page 2: 12-14; page 4: 14-17), the method comprising:

accessing, by a standalone scanner (Figure 1:16; Figure 2:16; Figure 3B:16; specification, page 7: 1-10), at least one network device over a network (specification, page 9:1-13; Figure 5:125, 126, 131);

displaying destination options on a user interface (Figure 3B:66) of the standalone scanner based on accessing the at least one network device (specification, page 9:13-14; Figure 5:132);

obtaining said destination based on selection of the destination options in said user interface, wherein said destination is connected to said standalone scanner using said network (specification, page 9:18-20; Figure 6:141);

performing scanning on said standalone scanner to produce said image (specification, page 9:21-23; Figure 6:142); and

transferring said image to said destination (specification, page 10:7-11; Figure 6:145).

Independent claim 54 recites an apparatus for controlling an image scanning process in a standalone scanner (Figure 1:16; Figure 2:16; Figure 3B:16), comprising:

at least one computer readable medium (specification, page 7:2-3, 11-14); and

computer readable program code (Figure 3B:100; specification, page 7:11-16) stored on said at least one computer readable medium, said computer readable program code being executable on said standalone scanner to:

query at least one network device over a network for folders (specification, page 9:11-13; Figure 5:131);

display icons representing the folders in a user interface (Figure 3B:66) of the standalone scanner (specification, page 9:13-14; Figure 5:132);

in response to a first displayed element associated with the standalone scanner being dragged to and dropped upon a selected one of the icons (specification, page 9:17-20; Figure 6:141),

causing said standalone scanner to perform a scan to produce at least one image (specification, page 9:21-23; Figure 6:142); and

transferring said at least one image from said standalone scanner to a folder associated with the selected one of the icons (specification, page 10:7-11; Figure 6:145).

Independent claim 62 recites a standalone scanner (Figure 1:16; Figure 2:16; Figure 3:16) connectable to a network, the standalone scanner comprising:

- a processor (specification, page 7:2);
- a memory coupled to the processor (specification, page 7:3);
- a browser program (specification, page 7: 17-18; Figure 3A:53) stored in the memory for accessing a network device (specification, page 9:1-4) on the network;
- a display (specification, page 7:7-8; Figure 3B:66) for displaying destination locations (specification, page 9:11-14) on the network device; and
- a user interface (specification, page 7:5-7; Figure 3B:65) to enable selection of one of the destination locations (specification, page 9:17-20) and for causing the standalone scanner to perform a scan (specification, page 9:21-23) to produce an image and automatically send (specification, page 10:7-11) the image to the selected one of the destination locations on the network device.

Independent claim 81 recites a method of software execution in a standalone scanner (Figure 1:16; Figure 2:16; Figure 3B:16), comprising:

- querying at least one network device over a network for folders (specification, page 9:11-13; Figure 5:131);
- displaying icons representing the folders in a user interface (Figure 3B:66) of the standalone scanner (specification, page 9:13-14; Figure 5:132);
- receiving selection of one of the icons in the user interface (specification, page 9:17-20; Figure 6:141);
- in response to the selection of one of the icons, causing said standalone scanner to perform a scan to produce at least one image (specification, page 9:21-23; Figure 6:142); and
- transferring said at least one image from said standalone scanner to a folder associated with the selected one of the icons (specification, page 10:7-11; Figure 6:145).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Claim 72 was rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**
- B. Claims 49-58, 62, 64, 65, 68, and 70-82 were rejected under 35 U.S.C. § 103 as being unpatentable over Shih (U.S. Patent No. 6,504,626) in view of Machida (U.S. Patent No. 6,642,943).**
- C. Claim 59 was rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Shih and Machida in further view of Lamming (U.S. Patent No. 5,862,321).**

## **VII. ARGUMENT**

The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-headings as required by 37 C.F.R. § 41.37(c)(1)(vii).

Claim 49 was amended in the Amendment after final to replace “a” with “said” at lines 6, 7, and 9 to address the objection. The Amendment after final has been entered for purposes of appeal—therefore, the objection to the form of the claim has been overcome.

- A. Claim 72 was rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

### **1. Claim 72.**

Claim 72 was rejected under § 112 based on the recitation of “a scanner” at line 3. The Examiner stated that it is unclear whether “a scanner” refers to the “standalone scanner” or “another scanner.” 12/2/2005 Office Action at 3. It is respectfully submitted that claim 72 is similar to dependent claim 77 in that the “standalone scanner” is further defined. In claim 77

(which was not rejected), the standalone scanner was further defined as comprising a scanner that operates independently of the computer.

Since claim 72 is a method claim, the further definition of “standalone scanner” is recited in the context of the “accessing” act specified in claim 49. Thus, in claim 72, accessing the at least one network device by *the standalone scanner* comprises accessing the at least one network device by *a scanner that operates independently of a computer*. The term “a scanner that operates independently of a computer” is provided to further define “standalone scanner” that is part of the “accessing” act of claim 72.

The Advisory Action did not indicate whether or not Appellant’s arguments were persuasive, and if not, why the arguments were not persuasive. In view of the foregoing arguments, it is respectfully submitted that the meaning of claim 72 is clear.

Therefore, reversal of the § 112 final rejection of claim 72 is requested.

**B      Claims 49-58, 62, 64, 65, 68, and 70-82 were rejected under 35 U.S.C. § 103 as being unpatentable over Shih (U.S. Patent No. 6,504,626) in view of Machida (U.S. Patent No. 6,642,943).**

**1.      Claims 49-53, 72, 75.**

Independent claim 49 was rejected as being obvious over Shih in view of Machida. The Examiner conceded that Shih fails to disclose “displaying destination options on a user interface of the standalone scanner based on accessing the at least one network device.” 12/2/2005 Office Action at 4. However, the Examiner relied upon Machida as disclosing the claim feature not disclosed by Shih. *Id.*

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 49 for at least the following reasons: (1) no motivation or

suggestion existed to combine the teachings of Shih and Machida; and (2) the references when combined do not teach or suggest *all* elements of the claim. *See* M.P.E.P. § 2143 (8<sup>th</sup> ed., Rev. 3), at 2100-135.

The PTO has the burden under § 103 to establish a *prima facie* case of obviousness, and this burden can only be satisfied by showing some objective teaching in the prior art or the knowledge generally available to one of ordinary skill in the art would lead the person of ordinary skill in the art to combine relevant teachings of the references. *See In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). In fact, this *prima facie* case of obviousness can only be satisfied if the prior art suggested the *desirability* of the modification of the references proposed by the PTO. *See In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992).

Based on the objective evidence in the present case, it is clear that the Examiner has failed to provide any evidence that there existed any motivation or suggestion to combine the teachings of Shih and Machida. As discussed in Shih, the display 58 of the scanner 40 of Shih (*see* Figure 3 of Shih) is able to display “key signals [of the keyboard] or the instruction messages.” Shih, 3:5-7. The instruction messages can include an e-mail address that is input by the keyboard 52 (depicted in Fig. 3 of Shih). Shih, 3:36-38. As correctly noted by the Examiner, the display panel 58 of the scanner 40 of Shih does not display destination options from which selection can be made to obtain a destination as recited in claim 49. *See* 12/2/2005 Office Action at 4. In fact, there existed no hint or suggestion of any desirability to display destination options in the display 58 of Shih to enable selection of a destination to which an image produced from a scan is transferred.

Machida also does not provide the requisite suggestion to modify Shih to achieve the claimed invention. Machida teaches the use of a data processing apparatus (in the form of a PC shown in Fig. 2) to enable combination of functions of various devices connected to one or more networks (as depicted in Fig. 1 of Machida). As stated by Machida, the PC that provides the data processing apparatus of Fig. 2 has a CRT 16 that can show a screen containing icons (*see* Fig. 5 or 11 of Shih), in which a copying function can be executed by dragging the scanner icon and dropping the scanner icon on the printer icon displayed in the screen of Fig. 5. Machida, 9:39-10:51. As explained by Machida, use of the PC that makes up the data processing apparatus allows devices, such as a scanner and printer, that are disposed at physically distant locations to perform data communication for the purpose of achieving a combined function. Machida, 10:52-65. However, note that the PC (data processing apparatus), as depicted in Fig. 2 of Machida, clearly is *not* part of a *standalone scanner*. In other words, a person of ordinary skill in the art looking to the teachings of Machida would have been led away from the claimed invention. Rather than teaching a person of ordinary skill in the art that a display of destination options can be provided at the user interface of a standalone scanner, Machida would have suggested to this person of ordinary skill in the art that a central data processing apparatus (PC in Fig. 2 of Machida) should be employed to allow physically distant devices to communicate with each other.

Although the Examiner focused on the teachings of Figures 5 and 11 of Machida, the Examiner appeared to have ignored the specific teaching in Machida that the screens of Figures 5 and 11 are displayed on the CRT of a PC that is shown in Figure 2. *See* Machida, 9:39-41; 14:6-8. As warned by the M.P.E.P., “[a] prior art reference must be considered in its entirety, *i.e.*, as a



whole, including portions that would lead away from the claimed invention.” M.P.E.P. § 2141.03, at 2100-132.

The specific teachings of displaying icons in the display of a *PC* in Machida cannot be ignored when considering whether a person of ordinary skill in the art would have been motivated to combine the teachings of Shih and Machida to achieve the claimed subject matter. Objectively, a person of ordinary skill in the art looking to the teachings of Shih and Machida would have been taught to use a separate PC to provide the display of icons as taught in Machida with the scanner described in Shih. There would not have been any suggestion whatsoever of modifying Shih to display destination options on a user interface of the standalone scanner, obtaining the destination based on selection of the destination options in the user interface, and transferring an image produced from the scan to the destination that is obtained, as recited in claim 49.

Except for a general statement that “Applicant’s arguments have been fully considered but they are not persuasive” in the Advisory Action dated February 21, 2006, the Examiner does not dispute the above-mentioned facts relating to the teachings of Machida and Shih. Appellant has cited to specific, *undisputed* evidence that would have shown that no motivation or suggestion existed to combine the teachings of Shih and Machida to achieve the claimed subject matter. Therefore, it is clear that the Examiner has failed to establish a *prima facie* case of obviousness for at least this reason.

Moreover, a further defect in the obviousness rejection is that the hypothetical combination of Shih and Machida does not teach or suggest *all* elements of the claim. As conceded by the Examiner, Shih does not disclose displaying destination options on a user interface of the standalone scanner based on accessing the at least one network device. Machida

also fails to disclose or suggest this element. As discussed above, Machida teaches the display of icons on a CRT of a PC, not on a user interface of a standalone scanner. Therefore, since neither Shih nor Machida teaches or suggests at least this element of the claim, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 49 for this additional reason.

For the foregoing reasons, reversal of the final rejection of the above claims is respectfully requested.

**2. Claims 73, 74.**

Claim 73 depends from claim 49 and is allowable over Shih and Machida for at least the same reasons as claim 49. Moreover, claim 73 recites displaying icons representing folders on at least one network device, where obtaining the destination based on selection in the user interface comprises selecting one of the folders based on a drag-and-drop operation that selects the one of the folders. The Examiner cited column 10, lines 46-51, of Machida as disclosing this element. 12/2/2005 Office Action at 9. The cited passage refers to a copying function using icons displayed on a CRT 16 (of the PC show in Figure 2), where a scanner icon is dragged and dropped onto a printer icon. Dragging a scanner icon onto a printer icon, as taught by Machida, clearly does not provide any teaching or suggestion of selecting one of folders in a network device to which a scanned image is to be transferred, as recited in claim 73.

For the foregoing reasons, reversal of the final rejection of the above claim 73 (and its dependent claim 74) is respectfully requested.

**3. Claim 76.**

Claim 76 depends from claim 49, and is allowable for the same reasons as claim 49. Moreover, claim 76 recites displaying a list of servers in the user interface, and receiving selection of one of the servers, wherein accessing the at least one network device comprises querying the selected one of the servers. Note also that in the context of claim 76, the display of destination options on a user interface of the standalone scanner is based on accessing the selected one of the servers. The Examiner referred generally to Figures 9 and 11 of Machida as disclosing the claimed subject matter. 12/2/2005 Office Action at 9. Neither of these two figures of Machida provides any suggestion of displaying a list of servers, selecting one of the servers, querying the selected one of the servers, and displaying destination options based on accessing the selected one of the servers.

The obviousness rejection of claim 76 is thus further defective for at least this additional reason. Reversal of the final rejection of 76 is respectfully requested.

**4. Claims 62, 64, 65, 68, 70, 71.**

Independent claim 62 was also rejected as obvious over Shih and Machida. Note that claim 62 recites a standalone scanner that comprises a browser program for accessing a network device on a network, and a display for displaying destination locations *on the network device*. The Examiner rejected claim 62 by citing to “arguments analogous to those presented for claims 49 and 54 ....” 12/2/2005 Office Action at 7. Note, however, that neither claim 49 nor claim 54 recites a display for displaying *destination locations on the network device* (plural destination locations on one network device). The Examiner has clearly failed to properly establish a *prima facie* case of obviousness, since the Examiner has not provided any reasoning or explanation

regarding how Shih and Machida teaches or suggests a display for displaying destination locations on the network device. The Advisory Action of February 21, 2006 made no attempt to remedy this deficiency in the final rejection.

It is clear that Shih does not disclose or suggest a display for displaying destination locations on *a* network device. Additionally, Appellant respectfully submits that Machida also fails to teach or suggest such a display for displaying destination locations on *a* network device. Although the screen in Fig. 5 of Machida shows various icons, it is respectfully submitted that the icons represent various PCs and peripheral devices – however, these icons do not constitute destination locations on *a single* network device. Therefore, for at least this reason, Shih and Machida do not teach or suggest the subject matter of claim 62.

Moreover, the obviousness rejection of claim 62 is defective for additional reasons stated above with respect to claim 49. Therefore, reversal of the final rejections of the above claims is respectfully requested.

**5. Claims 54-59, 77, 79, 81, 82.**

Independent claim 54 was also rejected as being obvious over Shih and Machida. As discussed above with respect to claim 49, it is respectfully submitted that no motivation or suggestion existed to combine the teachings of Shih and Machida. Moreover, the hypothetical combination of Shih and Machida does not disclose displaying icons representing folders in a *user interface of a standalone scanner*, as recited in claim 54.

Shih describes using a display of a scanner to display key signals or instruction messages including e-mail addresses. Machida shows screens of a display of a *PC* that display icons.

Neither Shih nor Machida teaches or suggests displaying icons representing folders in a user interface of a standalone scanner.

The Examiner cited Figs. 5 and 11 of Machida as disclosing the display of icons representing folders. *See* 12/2/2005 Office Action at 6. Although Figs. 5 and 11 of Shih do depict icons, these icons represent PCs or peripheral devices – they do not represent folders. As understood by a person of ordinary skill in the art, a folder refers to a directory that has a collection of computer files. *See, e.g.*, FOLDOC, definition of “folder” (attached in Evidence Appendix). Since neither Shih nor Machida discloses the display of icons that represent *folders*, this is a further basis that a *prima facie* case of obviousness has not been established with respect to claim 54.

Independent claim 81 is non-obvious over Shih and Machida for similar reasons as claim 54.

In view of the foregoing, reversal of the final rejection of the above claims is requested.

**6. Claim 78.**

Claim 78 depends from claim 54 and is allowable for at least the same reasons as claim 54. Moreover, claim 78 further recites presenting available servers in the user interface of the standalone scanner, and receiving selection of one of the servers as the network device. This selected server is the network device queried for folders. There clearly existed no teaching or suggestion in Shih and Machida of presenting available servers in the user interface of the standalone scanner and receiving selection of one of the servers as the network device. Therefore, the final rejection of claim 78 should be reversed for this additional reason.

**7. Claim 80.**

Claim 80 depends from claim 62 and is allowable for at least the same reasons as claim 62. Moreover, claim 80 recites that the destination options comprise folders, and selection of the one of the destination options comprises selection of one of the folders. For reasons similar to those given above with respect to claim 54, the hypothetical combination of Shih and Machida does not teach or suggest a display for displaying *folders* on the network device.

Reversal of the final rejection of claim 80 is respectfully requested for this additional reason.

**C. Claim 59 was rejected under 35 U.S.C. §103 as being unpatentable over the combination of Shih and Machida in further view of Lamming (U.S. Patent No. 5,862,321).**

**1. Claim 59.**

In view of the defective rejection of base claim 54 over Shih and Machida, it is respectfully submitted that the rejection of dependent claim 59 over Shih, Machida, and Lamming has been overcome.

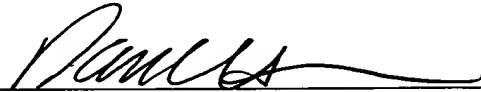
### VIII. CONCLUSION

In view of the foregoing, reversal of all final rejections and allowance of all pending claims is respectfully requested.

Respectfully submitted,

Date: \_\_\_\_\_

4-25-2006



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## **APPENDIX OF CLAIMS**

The claims on appeal are:

- 1    49.    A method of transferring an image to a destination, the method comprising:  
2            accessing, by a standalone scanner, at least one network device over a network;  
3            displaying destination options on a user interface of the standalone scanner based on  
4    accessing the at least one network device;  
5            obtaining said destination based on selection of the destination options in said user  
6    interface, wherein said destination is connected to said standalone scanner using said network;  
7            performing scanning on said standalone scanner to produce said image; and  
8            transferring said image to said destination.
- 1    50.    The method of claim 49, wherein said user interface comprises a browser.
- 1    51.    The method of claim 49, wherein said obtaining said destination comprises detecting a  
2    drag and drop operation wherein a first icon is dragged to a location indicator and dropped on  
3    said location indicator.
- 1    52.    The method of claim 51, wherein said first icon comprises a scanner icon.
- 1    53.    The method of claim 49, further comprising automatically converting said image to a  
2    different document format before storing said image.



1 54. An apparatus for controlling an image scanning process in a standalone scanner,  
2 comprising:  
3 at least one computer readable medium; and  
4 computer readable program code stored on said at least one computer readable medium,  
5 said computer readable program code being executable on said standalone scanner to:  
6 query at least one network device over a network for folders;  
7 display icons representing the folders in a user interface of the standalone scanner;  
8 and  
9 in response to a first displayed element associated with the standalone scanner  
10 being dragged to and dropped upon a selected one of the icons,  
11 causing said standalone scanner to perform a scan to produce at least one  
12 image; and  
13 transferring said at least one image from said standalone scanner to a  
14 folder associated with the selected one of the icons.

1 55. The apparatus of claim 54, wherein said computer readable program code is executed  
2 without further user intervention after said first displayed element is dragged to and dropped  
3 upon said selected icon.

1 56. The apparatus of claim 54, wherein said first displayed element comprises a scanner icon.

1 57. The apparatus of claim 54, wherein said user interface comprises a browser.

1 58. The apparatus of claim 54, said computer readable program code further executable to  
2 convert said at least one image to a different document format before said transferring.

1 59. The apparatus of claim 54, wherein said transferring comprises transferring said at least  
2 one image across a File Transfer Protocol (FTP) connection.

1 62. A standalone scanner connectable to a network, the standalone scanner comprising:  
2 a processor;  
3 a memory coupled to the processor;  
4 a browser program stored in the memory for accessing a network device on the network;  
5 a display for displaying destination locations on the network device; and  
6 a user interface to enable selection of one of the destination locations and for causing the  
7 standalone scanner to perform a scan to produce an image and automatically send the image to  
8 the selected one of the destination locations on the network device.

1 64. The standalone scanner of claim 62 wherein the network is the internet.

1 65. The standalone scanner of claim 62 wherein the scanner is directly connected to a local  
2 server via a communication link for sending the image to the local server and then the selected  
3 one destination location.

1 68. The standalone scanner of claim 62 further comprising a network card to establish  
2 communication to the network device on the network.

1 70. The standalone scanner of claim 62 further comprising an automatic document feeder  
2 (ADF).

1 71. The standalone scanner of claim 62 wherein the display displays a list of available servers  
2 as icons, the user interface to enable selection of one of the servers as the network device.

1 72. The method of claim 49, wherein accessing the at least one network device by the  
2 standalone scanner comprises accessing the at least one network device by a scanner that  
3 operates independently of a computer.

1 73. The method of claim 49, wherein displaying the destination options comprises displaying  
2 icons representing folders on the at least one network device, and wherein obtaining the  
3 destination based on selection in the user interface comprises selecting one of the folders based  
4 on a drag-and-drop operation that selects the one of the folders.

1 74. The method of claim 73, wherein selecting one of the folders based on the drag-and-drop  
2 operation comprises selecting one of the folders based on drag and dropping a first icon to an  
3 icon representing the one of the folders, the first icon representing one of an automatic document  
4 feeder and a document.

1 75. The method of claim 49, wherein the accessing, displaying, and transferring is performed  
2 by a browser.

1 76. The method of claim 49, further comprising:  
2 displaying a list of servers in the user interface;  
3 receiving selection of one of the servers,  
4 wherein accessing the at least one network device comprises querying the selected one of  
5 the servers.

1 77. The apparatus of claim 54, wherein the standalone scanner comprises a scanner that  
2 operates independently of a computer.

1 78. The apparatus of claim 54, wherein the computer readable program code is executable to:  
2 present available servers in the user interface of the standalone scanner; and  
3 receive selection of one of the servers as the network device.

1 79. The apparatus of claim 54, wherein the computer readable program code comprises a web  
2 browser, the web browser executable to perform the querying and displaying.

1 80. The standalone scanner of claim 62, wherein the destination locations comprise folders,  
2 and selection of the one of the destination locations comprises selection of one of the folders.

1   81.    A method of software execution in a standalone scanner, comprising:  
2                    querying at least one network device over a network for folders;  
3                    displaying icons representing the folders in a user interface of the standalone  
4 scanner;  
5                    receiving selection of one of the icons in the user interface;  
6                    in response to the selection of one of the icons, causing said standalone scanner to  
7 perform a scan to produce at least one image; and  
8                    transferring said at least one image from said standalone scanner to a folder  
9 associated with the selected one of the icons.

1   82.    The method of claim 81, wherein receiving selection of the one of the icons comprises  
2 receiving selection based on dragging and dropping a displayed element representing an  
3 automatic document feeder to the selected one of the icons.

## **EVIDENCE APPENDIX**

1. FOLDER, definition of “folder”, from <http://folder.org/?folder>.

This evidence was submitted by Appellant on Jan. 31, 2006 with the Amendment after final, and entered into the record by the Examiner in the Advisory Action, where the Examiner indicated that the Amendment after final would be entered for purposes of appeal.



folder

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# folder

<operating system> A directory in the sense of a collection of computer files. The term is more common in systems such as the Macintosh or Windows 95 which have a graphical user interface and provide a graphical file browser in which directories are traditionally depicted as folders (like small briefcases).

(1997-03-20)

Try this search on Wikipedia, OneLook, Google

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Nearby terms: FoIP « FOIRL « fold case « **folder** » FOLDOC » followup » font

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Appln. Serial No. 09/626,063  
Appeal Brief Under 37 C.F.R. § 41.37

**RELATED PROCEEDINGS APPENDIX**

None.

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10001122-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Louri Brylov**

Confirmation No.: **8584**

Application No.: **09/626,063**

Examiner: **Chan S. Park**

Filing Date: **July 26, 2000**

Group Art Unit: **2622**

Title: **Scan System and Method for Scanning Images to a Remote Location**

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 2, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month  
\$120

☐ 2nd Month  
\$450

☐ 3rd Month  
\$1020

☐ 4th Month  
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

☒ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA 22313-1450  
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☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile:

Typed Name: **Ginger Yount**

Signature: 

Respectfully submitted,

Louri Brylov

By 

Dan C. Hu

Attorney/Agent for Applicant(s)

Reg No. : 40,025

Date : April 25, 2006

Telephone : (713) 468-8880



HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10001122-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Louri Brylov**

Confirmation No.: 8584

Application No.: 09/626,063

Examiner: Chan S. Park

Filing Date: July 26, 2000

Group Art Unit: 2622

Title: Scan System and Method for Scanning Images to a Remote Location

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on March 2, 2006.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month  
\$120

☐ 2nd Month  
\$450

☐ 3rd Month  
\$1020

☐ 4th Month  
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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